

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

(1) BETTE WILLIAMS, an individual, and)	
(2) DENNY WILLIAMS, an individual,)	
)	
Plaintiffs,)	
)	
v.)	Case No.: CIV-13-1264-C
)	
(1) SAFECO INSURANCE COMPANY)	
OF AMERICA, a foreign insurance company)	
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW Defendant Safeco Insurance Company of America and pursuant to 28 U.S.C. § 1446 and Fed. R. Civ. P. 81(c) states:

1. The above entitled suit was filed in the District Court of Oklahoma County, State of Oklahoma as Case No. CJ-2013-5185 on September 17, 2013; Plaintiffs filed an Amended Petition on October 30, 2013. Defendant Safeco Insurance Company of America was not properly served with the Original Petition. On November 4, 2013, Defendant Safeco Insurance Company of America was served through the office of the Oklahoma Insurance Commissioner with the Summons and Plaintiffs' Amended Petition.

This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b)(3). Plaintiffs' original Petition, naming several defendants, was not removable due to lack of diversity among the parties. The case became removable when the Amended Petition was filed on October 30, 2013 naming only Safeco Insurance Company of America as a defendant, and

this Notice of Removal is filed within 30 days of Safeco Insurance Company of America's receipt, on November 4, 2013, of the Summons and the Amended Petition.

In accordance with 28 U.S.C. §1446(a) and LCvR 81.2, a copy of the docket sheet and a copy of all documents filed or served in the Oklahoma County case are attached to this Notice as Exhibit "1" through "16".

2. Plaintiffs Bette Williams and Denny Williams are residents and citizens of Oklahoma County, Oklahoma.

3. Safeco Insurance Company of America is a company organized under the laws of the State of New Hampshire and for federal court jurisdiction/diversity of citizenship disclosure purposes, the principal place of business is 175 Berkeley Street, Boston, Massachusetts. Thus, Safeco Insurance Company of America is deemed to be a citizen of Massachusetts for purposes of diversity.

4. Jurisdiction is conferred upon this Court pursuant to 28 U.S.C. § 1332. Removal is proper pursuant to 28 U.S.C. §1441, et seq.

5. In this case, Plaintiff brings causes of action for breach of an insurance contract and bad faith against Safeco Insurance Company of America, arising from a claim relating to hail damage.

6. The Amended Petition alleges that plaintiffs are entitled to recover compensatory damages in an amount not to exceed \$75,000.00 on the breach of contract claim plus an amount not to exceed \$75,000.00 on the bad faith claim. As such, the plaintiffs

claim entitlement to compensatory damages in an amount up to \$150,000.00. In addition, plaintiffs seek punitive damages. Thus, the amount in controversy exceeds the amount which is required for diversity jurisdiction.

7. Pursuant to 28 U.S.C. § 1332(a)(1), this Court has jurisdiction because of the complete diversity of citizenship of the parties and there is a sufficient amount in controversy.

8. Pursuant to 28 U.S.C. § 1446(a), Defendant acknowledges that this Notice of Removal is signed and filed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

WHEREFORE, Defendant, Safeco Insurance Company of America requests this Notice of Removal be accepted by this Court and that the lawsuit proceed as an action properly removed to this Court's jurisdiction.

Respectfully submitted,

WILSON, CAIN & ACQUAVIVA
300 Northwest 13th Street, Suite 100
Oklahoma City, Oklahoma 73103
Telephone: (405) 236-2600
Facsimile: (405) 236-2607

/s/ Barbara K. Buratti

Tim D. Cain, OBA #11779

Barbara K. Buratti, OBA #12231

TimC@wcalaw.com

BarbaraB@wcalaw.com

Attorneys for Defendant

Safeco Insurance Company of America

CERTIFICATE OF SERVICE

X I hereby certify that on November 27, 2013, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Tony Gould, OBA #18564
George Brown, OBA # 18020
Brandon D. Kemp, OBA # 31611
Brown & Gould, PLLC
136 N.W. 10th Street, Suite 200
Oklahoma City, OK 73103
Telephone: (405) 235-4500
Facsimile: (405) 235-4507
Email: tgould@browngouldlaw.com
Attorneys for Plaintiffs
Bette Williams and Denny Williams

/s/ Barbara K. Buratti

Barbara K. Buratti